

## **REMARKS**

### **Rejection of claims 1, 8 and 17-20 under the judicially created doctrine of obviousness-type double patenting**

The examiner rejected claims 1, 8 and 17-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims in U.S. Patent No. 5,778,378 to Rubin. A Terminal Disclaimer is filed herewith to overcome this rejection.

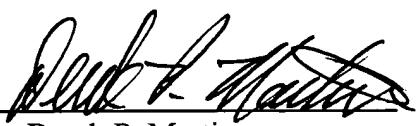
### **Rejection of claims 1-23 under 35 U.S.C. §102(e)**

The examiner rejected claims 1-23 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,081,798 to Johnson. Applicant respectfully asserts that Johnson is not prior art under 35 U.S.C. §102(e) because the present application and Johnson were, at the time the invention in the present application was made, owned by International Business Machines Corp. This common ownership precludes using Johnson as prior art in accordance with MPEP 706.02. Because Johnson is not prior art, applicant respectfully requests reconsideration of the examiner's rejection of claims 1-23 based on Johnson.

Conclusion

Applicant respectfully asserts that all of applicant's claims are allowable. Such allowance at an early date is respectfully requested. The Examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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